

IMMUNITY SOUGHT BY DEAN FROM U.S.

White House Counsel Says
He Will Not Testify if He
Runs Risk of Prosecution

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WASHINGTON, April 27—
John W. Dean 3d, the White
House counsel, has told Federal
prosecutors that he will not
testify about the alleged wrong-
doings of his colleagues John
D. Ehrlichman and H. R. Halde-
man without being granted im-
munity from further prosecu-
tion, sources close to the case
said today.

Mr. Dean's refusal to testify
before the Watergate grand
jury without an assurance of
immunity put him in opposi-
tion to President Nixon. The
President told newsmen on
April 17 that no individual
holding "a position of major
importance in the Administra-
tion should be given immunity."

Mr. Dean's stand also poses
an immediate problem for the
three assistant United States
attorneys prosecuting the case
—should they indict and at-
tempt to convict Mr. Dean now
and grant him immunity after
conviction to learn what he
knows of misconduct by higher
officials in the White House?

Mr. Dean's attorney, Robert

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C. McCandless of Washington,
refused to comment on the re-
port that his client was seeking
immunity.

That procedure, which was
followed during last year's
original Watergate investiga-
tion, could delay for months
the inquiry into the roles of
Mr. Haldeman and Mr. Ehrlich-
man. They would, meanwhile,
presumably be free—if they
chose and Mr. Nixon agreed—
to continue working in the
White House.

Told Some Details

Mr. Dean is known to have
approached the Federal prose-
cutors in early April—before
the recent avalanche of dis-
closures and told them some
details of his role in the espio-
nage and bugging activities.

Mr. Dean's friends and as-
sociates have told newsmen
that he has evidence linking
both Mr. Haldeman and Mr.
Ehrlichman to a project to ob-
struct the Federal inquiry into
the break-in last June at the
Democratic National Committee
headquarters in the Watergate
office building.

It apparently was one aspect
of Mr. Dean's disclosures to the
prosecutors that led to yester-
day's revelation that L. Patrick
Gray 3d, the acting director of
the Federal Bureau of Investi-
gation, had destroyed docu-
ments belonging to a Watergate
participant after a meeting
with Mr. Dean and Mr. Ehrlich-
man in the White House.

The prosecutors have re-
peatedly refused to discuss any
aspects of the grand jury pro-
ceedings, but other sources
said that the lack of testimony
from Mr. Dean and another key
witness, Jeb Stuart Magruder,
the former deputy director of
the Committee for the Re-elec-
tion of the President, had ap-
parently delayed the investiga-
tion.

In his statement on the Wa-
tergate inquiry last week, Mr.
Nixon said there had been
"major developments" in the
case, a remark that was widely
taken as a reference to pend-
ing indictments.

No Comment on Jury

John J. Wilson, recently hired
as attorney for Mr. Haldeman
and Mr. Ehrlichman, refused
to comment during an interview
today on the possibility of
grand jury appearances by his
clients. The two White House
aides flew to Mississippi with
President Nixon today.

Mr. Haldeman is known to
investigation to determinewh
be undem current grand jury in-
vestigation to determine wheth-
er his office had a role in the
initial bugging operation or in
any subsequent attempts to ob-
struct the inquiry.

In addition, the grand jury,
it is known, is trying to learn
whether some of the informa-
tion obtained through the il-
legal wiretaps was transmitted
to the White House.

There is some evidence that
the grand jury, despite the lack
of direct testimony from Mr.
Dean and Mr. Magruder, is
proceeding with its case against
Mr. Haldeman. Yesterday it

heard testimony from Hugh W.
Sloan Jr., a former re-election
committee official, who has ac-
knowledged sending \$350,000
in cash to Mr. Haldeman's of-
fice on the day before the new
Federal campaign spending law
went into effect. The money
was never reported, as required
by federal law.

Denies Seeking Immunity

It could not be learned
whether Mr. Magruder has ap-
peared before the grand jury.
His attorney, James J. Bier-
bower, denied a report that his
client was seeking immunity,
but he refused to rule out the
possibility that Mr. Magruder
might have appeared before the
grand jury and invoked his
Fifth Amendment right against
self-incrimination.

Mr. Magruder reportedly has
told the Federal prosecutors
that former Attorney General
John N. Mitchell and Mr. Dean
approved the bugging of Demo-
cratic headquarters during a se-

ries of meetings in early 1972.
Mr. Mitchell and Mr. Dean have
denied it, and one knowledge-
able source said the question
of who authorized that would
eventually "have to be decided
by a jury."

But without the grand jury
testimony of Mr. Magruder and
Mr. Dean, sources said, no im-
mediate indictments of any
higher officials—Mr. Haldeman,
Mr. Ehrlichman and Mr. Mitch-
ell—can be expected.

In interview with The New
York Times last February, Earl
J. Silbert, the chief Watergate
prosecutor, explained that he
had decided to convict the or-
iginal seven-member Watergate
team first and then offer them
immunity in hopes of eliciting
testimony. Some testimony
eventually did come from James
W. McCord Jr., one of the de-
fendants, linking more senior
officials to the break-in.

Some lawyers have said that
Mr. Dean and Mr. Magruder
should be granted immunity to

facilitate their testimony before
the grand jury and thus de-
velop a stronger case against
higher officials.

But Mr. Silbert has apparently
decided, as he did earlier, not
to grant immunity to the
witnesses. He is presumably
guided by recent Supreme
Court decisions holding that, in
both original prosecutions and
appeals, no evidence against a
defendant can come from or
appear to be developed from
information given by him to a
grand jury after a grant of
immunity.

In other words, the prosecu-
tors might jeopardize their case
against his White House asso-
ciates, Mr. Ehrlichman and Mr.
Haldeman — if indeed they
should be indicted.

The prosecutors are known
to be still seeking testimony
from G. Gordon Liddy, the
leader of the Watergate team,
who has been sentenced to an
additional term in jail for re-
fusing to cooperate with the
grand jury after his conviction.